

Exhibit A12

1 [Background conversation]
2 SGT GARY WATTS: So Sergeant Gary Watts.
3 SFPD Homicide with my partner John Cagney. Uh,
4 case number [REDACTED] [REDACTED] [REDACTED] Interview with Mike
5 Mellone, uh, and from my right almost--if you can
6 introduce yourself?
7 SGT JOHN CAGNEY: Uh, John Cagney, SFPD
8 Homicide, 341.
9 DAI DARYL JACKSON: Daryl Jackson, DA's
10 Office, 76.
11 ADA CHERYL WILLS: Cheryl Wills, Assistant
12 DA.
13 POA ATTY REP DON NOBLES: Don Nobles, POA
14 Attorney.
15 OFFICER MIKE MELLONE: I'm Mike Mellone.
16 Uh, star 4249.
17 SGT WATTS: Okay, Mike. So it's, uh, Mike
18 or Michael?
19 OFFICER MELLONE: I go by Mike.
20 SGT WATTS: Okay.
21 OFFICER MELLONE: Mike.
22 SGT WATTS: And so--and just spell your
23 last name for me.
24 OFFICER MELLONE: M-E-L-L-O-N-E.
25 SGT WATTS: And star number?

1 OFFICER MELLONE: 4249.
2 SGT WATTS: Date of birth?
3 OFFICER MELLONE: [REDACTED].
4 SGT WATTS: And date of entry?
5 OFFICER MELLONE: At this Department?
6 SGT WATTS: Hm-hmm.
7 OFFICER MELLONE: Um-- [REDACTED] [REDACTED]. I don't
8 know the exact date.
9 SGT WATTS: Okay. That's fine. And prior
10 law enforcement experience?
11 OFFICER MELLONE: Um, get ready to write.
12 Um. I was--
13 SGT WATTS: Just--
14 OFFICER MELLONE: Yeah.
15 SGT WATTS: When you first became a cop.
16 OFFICER MELLONE: Uh, [REDACTED].
17 SGT WATTS: Okay.
18 OFFICER MELLONE: And then I was non-sworn
19 prior to that.
20 SGT WATTS: Okay.
21 OFFICER MELLONE: From like [REDACTED] [REDACTED] [REDACTED].
22 SGT WATTS: So [REDACTED] to--to--where--where
23 were you?
24 OFFICER MELLONE: Um. I was a police
25 officer in [REDACTED].

1 SGT WATTS: Okay.

2 OFFICER MELLONE: The City of [REDACTED].

3 SGT WATTS: Um. Then I lateral-ed to

4 [REDACTED].

5 OFFICER MELLONE: What year?

6 SGT WATTS: Uh, it was around [REDACTED], [REDACTED].

7 And then went back to [REDACTED] briefly.

8 OFFICER MELLONE: So [REDACTED], [REDACTED] [REDACTED] you

9 were-- [REDACTED]?

10 SGT WATTS: Yes.

11 OFFICER MELLONE: Okay.

12 SGT WATTS: After that?

13 OFFICER MELLONE: I went back to [REDACTED]

14 for less than a year, I think.

15 SGT WATTS: Hm-hmm.

16 OFFICER MELLONE: And then I went to [REDACTED]

17 and I was in [REDACTED] until--

18 SGT WATTS: Wait.

19 OFFICER MELLONE: [REDACTED].

20 SGT WATTS: So [REDACTED] [REDACTED] [REDACTED] [REDACTED]?

21 OFFICER MELLONE: No. It was--

22 SGT WATTS: [REDACTED].

23 OFFICER MELLONE: Yeah. Thereabouts.

24 SGT WATTS: Okay. Your current assignment?

25 OFFICER MELLONE: I work patrol in the

1 Mission.

2 SGT WATTS: Okay. And how long on your
3 current assignment?

4 OFFICER MELLONE: Um, I've been in patrol
5 since 2012. Uh, I've been in patrol
6 [UNINTELLIGIBLE] --

7 SGT WATTS: How long in Mission?

8 OFFICER MELLONE: I've been in Mission for 2
9 years?

10 SGT WATTS: And your shift?

11 OFFICER MELLONE: I'm on Daywatch right now.

12 SGT WATTS: Uh, 08? 06?

13 OFFICER MELLONE: 06.

14 SGT WATTS: To?

15 OFFICER MELLONE: 16.

16 SGT WATTS: Okay. Uniform or plainclothes?

17 OFFICER MELLONE: Uniform.

18 SGT WATTS: Do you have a partner?

19 OFFICER MELLONE: Um, I'm a Field Training
20 Officer and I had a recruit officer with me. Um.
21 For that particular day. However, he was not with
22 me during this incident.

23 SGT WATTS: Okay. Your call sign was--

24 OFFICER MELLONE: 3 David 11 Adam.

25 SGT WATTS: Carry a firearm?

1 OFFICER MELLONE: Yes.

2 SGT WATTS: What kind is it?

3 OFFICER MELLONE: It's a Sig Sauer P-226.

4 SGT WATTS: 40 caliber?

5 OFFICER MELLONE: Yes.

6 SGT WATTS: Secondary firearm?

7 OFFICER MELLONE: No.

8 SGT WATTS: Uh, Department vehicle used?

9 OFFICER MELLONE: I had, uh, 095.

10 SGT WATTS: That's a Crown Vic, right?

11 OFFICER MELLONE: Yes.

12 SGT WATTS: Uh. At the incident, you were

13 the driver, correct?

14 OFFICER MELLONE: Yeah, I was the only

15 person in the car. I--my recruit was at the

16 station.

17 SGT WATTS: Okay. Just--and then just give

18 his name.

19 OFFICER MELLONE: ■ ■ ■ ■.

20 ■ ■ ■ ■. And his star is ■.

21 SGT WATTS: All right, so--I'm gonna ask

22 you to--tell us all what happened yesterday. Uh.

23 From when you got the call to what happened at the

24 end of the incident. And then, uh, we'll go

25 around, starting with myself, and the rest of the

1 room, and we'll ask you some questions.

2 OFFICER MELLONE: Sure.

3 SGT WATTS: Okay? So why don't you go
4 ahead and--start off and tell us.

5 OFFICER MELLONE: Well, uh, shortly before,
6 um, the incident, I was dispatched to a call of a,
7 uh--individual that was acting suspicious around
8 cars. It was re--it was reported as like a--like
9 an--like a caser. Somebody who was casing
10 vehicles. And that incident--was at, uh, Treat--
11 Florida and Treat. So, uh, I was at the station
12 when Dispatch gave me the call. And there was a
13 little bit of a delay in response 'cause I was
14 dealing with some--FTO matters with my, uh,
15 recruit. So at--when I responded to the call, I
16 was driving eastbound on 17th Street between, uh,
17 Valencia and Mission and then Dispatch came out
18 with a, uh--an A priority incident of a man waving
19 a knife. And it was reported on, uh, Shotwell at--
20 between 17th and 18th. And the call was that there
21 was a, uh--a man waving a large knife. He was
22 wearing a red shirt, blue jeans, and he looked like
23 he was in his 30s or 40s. And there was some in--
24 uh, the--the call, it was a 911 call. And I know
25 it came from the HOT team, which is Homeless

1 Outreach. And there was some mention in the call
2 about the person possibly being, uh--uh--mentally
3 disturbed. Or something to that effect. So I
4 responded to that call. Uh, it was only literally
5 like three or four blocks away. Um. I had--did
6 initiate emergency response. I told them that it
7 was a, uh, it was lights and siren response. They
8 had broadcast that on the radio based on the--the
9 concern that somebody could become injured. Um.
10 Based on the large knife. And, uh, then I arrived.
11 It told Dispatch that, uh, I had the, uh, Extended
12 Range Impact Weapon with me. Um, which I had
13 checked out at the beginning of the--or--I didn't
14 check it out but my recruit checked it out and we
15 went through the, uh, the--the triple-check loading
16 protocol. I went through that with him. I'm
17 certified to use that. So I--I arrived on scene.
18 Um. And began checking for the suspect between
19 like 17th area and I didn't--couldn't find him.
20 Um. Based on the description. So I heard
21 Sergeant, um, Steger--his call sign was 3 David
22 101. And I heard him broadcast that--that he was
23 on scene and he was being flagged down by, uh, the
24 original caller and he was directing him to the--
25 the subject in question. And it was gonna be

1 closer to 19th Street. So I made a U-turn. And I
2 went, um, southbound on Shotwell. And I saw--I
3 looked in my rearview mirror and I saw Sergeant
4 Steger was behind me. And, um, I arrived at the
5 scene and, um, I got out of the car with my
6 Extended Range Impact Weapon. And, um, I--I saw a
7 person that matched the description, um, seated on
8 the curb against a wall. Like a solid wall like
9 this. And I could see that he was holding a knife.
10 And it was a--it--it looked like the largest knife
11 that you could have in your kitchen. Um. It was
12 a--it was large--about a 12-inch blade knife, the
13 same knife that I'd used to like cut up a melon.
14 It was huge. And, um, so when I saw the knife, I
15 started, uh, shouting at the man, uh, to drop--you
16 know, to--to put it down. To put the knife down.
17 And, um, he initially--put the knife on the
18 sidewalk next to his right thigh. Right next to
19 his right thigh. But he only did so for about a
20 second or two. Not that long. And then he
21 immediately picked up the knife and the--the blade
22 of the knife was pointed up and he was acting
23 extremely agitated. He looked like he was on
24 drugs. His--he was posturing in a way that it
25 looked like he was either gonna hurt himself with

1 the knife or he--uh, it--his posture was--it just--
2 it was--it--it really concerned me 'cause he had
3 this knife and he was acting very erratic. Uh.
4 His face was flushed. It looked--it looked just--
5 didn't--didn't look normal by any stretch of the
6 imagination. So I--just shouted at him to put the
7 knife down or "Put it down", I think is what I
8 said. And I just immediately started--deployed
9 the, uh, bean bag at--um, his right arm, which was
10 the arm that he was holding the knife in. My
11 intent was to--to just take--take that--I wanted
12 to--to subdue that arm. I wanted to disable the
13 arm so that he could--that would put knife down.
14 Um, I think I fired the ERIW about four times. Um,
15 it had absolutely no effect. I just saw him flinch
16 from it. It just kind of--it just--it looked like
17 it barely fazed him. And he immediately stood up.
18 Within a half second or two of the last ERIW round
19 that I fired. And immediately started running at--
20 where Sergeant Steger was. So I put the ERIW in my
21 left hand. I knew my firearm. And I, uh--I--shot
22 my firearm, I believe four times, at the, uh, at
23 the man. I saw that he went down. On the
24 sidewalk. And when he went down on the sidewalk, I
25 saw that he was still clinching the--the knife in

1 his right hand. And the blade was orient--it was
2 oriented up. He was on his back on the ground and
3 he was still holding onto the knife like this. And
4 the blade was still up. So, um--I--I asked for,
5 uh--I had broadcast what happened on the radio. I
6 asked for an ambulance. And, uh, tried to secure
7 the scene. The--I knew that the fire station was--
8 right on that corner. And that they were--they
9 were was staffed and that they were right there
10 anyway. And they arrived within seconds, really.
11 Um. And began--doing first aid on him. And I gave
12 a public safety statement to Sergeant Aloise. And,
13 uh, I was brought to the station and sequestered.

14 SGT WATTS: Okay. Okay. So when you
15 approached the, uh, the individual, he was sat
16 down?

17 OFFICER MELLONE: Yes.

18 SGT WATTS: Okay. Was he awake?

19 OFFICER MELLONE: Yes.

20 SGT WATTS: And when you gave your
21 commands, was there any response to those commands?

22 OFFICER MELLONE: Yes.

23 SGT WATTS: And what were his responses?

24 OFFICER MELLONE: When I told him to--to put
25 it down, put the knife down or something along that

1 line, he--he did--he put the knife down on the
2 sidewalk next to his thigh. But almost a second
3 later, immediately picked it back up.

4 SGT WATTS: Okay. And how was he holding
5 the knife?

6 OFFICER MELLONE: He was holding it, um,
7 let's see. If this is the knife right here, my
8 pen--

9 SGT WATTS: Hm-hmm.

10 OFFICER MELLONE: He was holding it like--if
11 this the blade right here--

12 SGT WATTS: Hm-hmm.

13 OFFICER MELLONE: He was holding it like
14 this.

15 SGT WATTS: Yeah. And then he put it in--
16 you're saying, and then what? And then you said he
17 put it down by his right thigh?

18 OFFICER MELLONE: Yeah. He set it down next
19 to his right thigh. It was only inches away from
20 his right thigh.

21 SGT WATTS: Did he--did he release the--did
22 he release the knife?

23 OFFICER MELLONE: He did. Initially. Um,
24 and--I was giving him commands. I was--I was
25 trying to prone him out on the ground. I thought

1 it was just gonna be another textbook, you know,
2 prone him out on the ground. I wanted to get him
3 away from the knife 'cause the knife was still
4 right here. Like [just thigh] inches away but I--
5 while I was trying to com--verbal commands to prone
6 him away from the knife, he--picked it right back
7 up.

8 SGT WATTS: When he picked it back up--had
9 you already begun to use the bean bag deployment?

10 OFFICER MELLONE: No. I didn't--I didn't
11 deploy my first, uh, ERIW bean bag round until--I
12 saw him pick the knife back up again.

13 SGT WATTS: After you picked it up.

14 OFFICER MELLONE: Yes.

15 SGT WATTS: You still see it.

16 OFFICER MELLONE: Yes.

17 SGT WATTS: And you had an unobstructed
18 view?

19 OFFICER MELLONE: I did.

20 SGT WATTS: Okay. Um. What was his, uh--
21 seating position on the floor? On the sidewalk.

22 OFFICER MELLONE: Uh, he was sitting with
23 his back against--it was a solid wall. It was the,
24 uh--east sidewalk of Shotwell. It's a--it's a
25 pretty wide sidewalk. It's--it's--

1 SGT WATTS: Hm-hmm.

2 OFFICER MELLONE: It's wider than your
3 average sidewalk.

4 SGT WATTS: Hm-hmm.

5 OFFICER MELLONE: And he was--his--his right
6 profile, his right side was, um, facing me. So I
7 am--I am approaching him from the north.

8 SGT WATTS: Hm-hmm.

9 OFFICER MELLONE: Um, and he is to my south.
10 And he's seated against the wall, holding the knife
11 like this.

12 SGT WATTS: And you said he's wearing the
13 red jersey. He--he matched the description. He
14 was wearing the same clothes that the description
15 was broadcast.

16 OFFICER MELLONE: Yes, he was. And, uh, and
17 I need to back up a second.

18 SGT WATTS: Yeah.

19 OFFICER MELLONE: Um, when I pulled up to
20 the scene, um, I--I--I didn't mention this. But
21 when I pulled up to the scene, I saw a man. He
22 was--his car was double-parked at 19th and
23 Shotwell.

24 SGT WATTS: Hm-hmm.

25 OFFICER MELLONE: And he was waving his arms

1 at me. And he repeatedly was pointing at where the
2 man with the red jersey was seated. Um. He--he--
3 he--he--he did this a few times. Uh. He--he--he
4 waved his arms at me. And he pointed. And I was
5 kind of trying to see, 'cause there's--cars that
6 were parked on both sides of the street so I
7 couldn't see him from--the patrol car. And then
8 he--the guy kept waving at me and pointing. Uh, I--
9 -I believe that that may have been the original
10 caller.

11 SGT WATTS: Waving and pointing at the
12 individual on the--on the side?

13 OFFICER MELLONE: With the knife. Yes.

14 SGT WATTS: The knife.

15 OFFICER MELLONE: The person with the knife.

16 SGT WATTS: Do you remember what car he
17 was--was double-parked?

18 OFFICER MELLONE: It--I think it was like a
19 gray car. I don't know the type. I don't
20 remember--

21 SGT WATTS: Sure.

22 OFFICER MELLONE: The type.

23 SGT WATTS: So you deployed your ERIW.

24 OFFICER MELLONE: Yes.

25 SGT WATTS: How many times?

1 OFFICER MELLONE: Four. I ran out of--ERIW
2 rounds.

3 SGT WATTS: Okay. And then what happened?

4 OFFICER MELLONE: It was almost instant--
5 instantaneous with my last shot. He immediately
6 got up on his feet and started--it wasn't--it
7 wasn't a fast walk. It was like he started running
8 to my right. I--we were triangulated so I was on
9 the left. Sergeant Steger was on the right. And
10 Sergeant Steger and I were maybe five, six feet
11 apart from each other at the most and I saw the
12 guy. It seemed like he--for some reason he honed
13 in directly on Sergeant Steger, for whatever
14 reason. Um.

15 SGT CAGNEY: Who was closer between you and-

16 -

17 OFFICER MELLONE: I thought that we were
18 triangulated. I think that I was closer. And it--
19 I was the one that deployed the ERIW but it was--it
20 was odd to me that he seemed to hone in on Sergeant
21 Steger.

22 SGT CAGNEY: Fixated.

23 OFFICER MELLONE: It was like he was
24 fixated. Like he had this--

25 SGT WATTS: Which is my next question but

1 it is what was the guy's--
2 OFFICER MELLONE: It was a thousand mile--
3 SGT WATTS: His gaze?
4 OFFICER MELLONE: Stare. It was a--it was--
5 I'll never forget it. It was a thousand mile
6 stare. And he just honed in on Sergeant Steger and
7 started full speed almost--because I think--I think
8 that--I think I backed--like backed up a little bit
9 'cause I was just like, "He's comin' at us with
10 that knife." And he--he started running towards my
11 right. Uh, which is where the Sergeant was. It
12 was--that's the--I--I thought he was--he's gonna--
13 he's gonna kill Sergeant Steger. He's gonna stab
14 him.
15 SGT WATTS: Was the knife raised?
16 OFFICER MELLONE: It was--it was out like
17 this. Just like you would--it--it wasn't--it--I
18 don't remember it being--it wasn't down like this.
19 It wasn't pointed at him. It was out like this.
20 Like--
21 SGT WATTS: Parallel to the ground.
22 OFFICER MELLONE: I don't know which side
23 the blade, if it was like up or down? But it was--
24 the point--the pointed side of that--that huge
25 knife was--

1 SGT WATTS: Pointed--
2 OFFICER MELLONE: Pointed--
3 SGT WATTS: It was pointed outwards.
4 OFFICER MELLONE: Forward. It was pointed
5 forward.
6 SGT WATTS: Forward. And position-wise,
7 you were up against the building line?
8 OFFICER MELLONE: I was on the sidewalk and
9 Sergeant Steger--
10 SGT WATTS: Uh, on the sidewalk but I'm
11 saying up against the building line?
12 OFFICER MELLONE: Yeah. I was closer to the
13 building line--
14 SGT WATTS: Okay.
15 OFFICER MELLONE: Sergeant Steger was closer
16 to the street.
17 SGT WATTS: Okay. So he immediately gets
18 up, raises the knife which is now pointed out,
19 fixates on Steger, and then what happened?
20 OFFICER MELLONE: He ran at him.
21 SGT WATTS: Okay.
22 OFFICER MELLONE: So I had the bean bag, uh,
23 the ERIW and I transitioned it to my left hand and
24 I drew my pistol and I knew that I just had this--
25 it was--there was no question in my mind that he

1 was gonna stab or kill Officer--uh, Sergeant
2 Steger. There was no question in my mind. There
3 was nobody else in that area that he was charging
4 at, other than him. And there was a--he started to
5 close the distance. There wasn't a--there was--
6 there wasn't a significant distance. I mean, we
7 had a good distance between him when we were
8 initially contacted him. And when I deployed the
9 ERIW, but he closed that distance by at least, I
10 want to say half. And so I knew that I had this
11 very limited area to--to--where I could responsibly
12 use lethal force because Sergeant Steger was to my
13 right. And there was a homeless encampment behind
14 me that I knew that people were inside of. And
15 then there was the street. So he--he--he ran into
16 this like almost cone area where I knew I--I only
17 had a limited opportunity to stop this charging
18 threat at--at--at Sergeant Steger. So I just--and
19 that's when I shot about four times.

20 SGT WATTS: Do you remember if Steger's
21 firearm was drawn? As the subject was charging
22 towards Steger?

23 OFFICER MELLONE: Um, he was to my side and
24 he wasn't in my peripheral vision. Um. I know--I
25 want--I want to say that I felt that because I know

1 when I use the ERIW I have to have--uh, a cover.
2 That--that, you know, potentially is lethal cover.
3 Um. So I--I'm not 100 percent sure if he had his
4 firearm drawn. I know for a fact he had his
5 firearm drawn afterwards because I saw it and I
6 heard it.

7 SGT WATTS: Do you know the--do you know
8 who fired first?

9 OFFICER MELLONE: I don't.

10 SGT WATTS: No. Okay. And you were in
11 fear of your life and Steger's life.

12 OFFICER MELLONE: I was--I was in fear--
13 primarily for Sergeant Steger's life but he was
14 charging at--primarily at him but it was a
15 definitely in our general direction and it--and
16 then I was also concerned 'cause we had this call
17 of this guy waving this knife around and there were
18 people in the--on the sidewalk behind us. Um. So
19 I mean, I--I feel like I had a triple concern. I
20 mean, primarily for my Sergeant, 'cause it seemed
21 like he just honed right in on him. I wasn't
22 standing too far away from him. Five, six feet,
23 maybe. So my own. And then if this guy got past
24 us, there were people behind us. There was like--
25 at least three or four people in that homeless

1 encampment behind us, if not more. I mean, there
2 could have been even more in the tent.

3 SGT WATTS: The commands you gave, are they
4 in English?

5 OFFICER MELLONE: Yes.

6 SGT WATTS: The, uh, subject respond to
7 those commands given in English? Do you remember--
8 do you remember anybody else giving commands?

9 OFFICER MELLONE: Um. I remember my
10 commands.

11 SGT WATTS: Hm-hmm.

12 OFFICER MELLONE: And he responded
13 initially. He put the knife down.

14 SGT CAGNEY: In response.

15 OFFICER MELLONE: And let go of it. Yeah, I
16 mean, it's immediately--

17 SGT CAGNEY: In response to your command.

18 OFFICER MELLONE: I was like, "Put it down,
19 put it down." And he put it--he set it down. His
20 hand was no longer on it.

21 SGT CAGNEY: So you felt he was tracking
22 your command with what you said in his action.

23 OFFICER MELLONE: I honest--I thought that
24 this was just gonna be another successful take--you
25 know, uh, uh, that we were gonna just do a prone,

1 separate him from the knife, and we respond to
2 these calls several times a week. And it just
3 seemed like it was gonna be another, just textbook,
4 you know, prone him out, handcuff him, 'cause he
5 responded. I'm like, "Okay, he's responding. This
6 is good." But then he just changed it up real
7 quick and he picked up that knife again.

8 SGT WATTS: When was the last time you
9 responded to a person with a knife call?

10 OFFICER MELLONE: The day before. The
11 previous shift.

12 SGT WATTS: And how did that go?

13 OFFICER MELLONE: Textbook. Brought--I
14 brought the ERIW. Um. There was--it was a call--
15 it was a threats call. Dispute at a restaurant and
16 the person's talking about having a knife. And we
17 responded to it. Brought out the ERIW and the
18 person submitted to--our commands and was
19 handcuffed. It was no problem.

20 SGT WATTS: Did he have a knife?

21 OFFICER MELLONE: It was a female. No.
22 She--we did not find a knife.

23 SGT WATTS: Okay.

24 OFFICER MELLONE: But I mean you were--and
25 we respond to those calls--several times a week.

1 SGT WATTS: Do you think recent events that
2 have happened, influenced in the decisions you were
3 gonna take?

4 OFFICER MELLONE: Well, I mean, the--the
5 most apparent one is what happened to the CHP
6 officer on the freeway. He got sliced up by a guy
7 with a knife.

8 SGT WATTS: Hm-hmm.

9 OFFICER MELLONE: I mean, I saw the
10 pictures. I know that he has debilitating
11 injuries. I believe to this day from that. Um.
12 Absolutely.

13 SGT WATTS: Okay.

14 OFFICER MELLONE: Of course.

15 SGT WATTS: Okay. John?

16 SGT CAGNEY: No, not--not too much, uh,
17 Officer--um, Mellone. Um. You have a lot of
18 experience apparently with other law enforcement
19 agencies. Just a--just a thumbnail sketch. I
20 mean, how many, again, a rough estimate, how many
21 knife calls do you think you responded to in your--
22 your multiple year career?

23 OFFICER MELLONE: Over 100. Probably just
24 in San Francisco.

25 SGT CAGNEY: Just alone.

1 OFFICER MELLONE: I mean, you--we respond to
2 these calls all the time. I mean, we're--we're
3 constantly coming into contact with people that are
4 under the influence of drugs, mentally ill. You
5 respond to homeless or transient incidents. It's--
6 it's almost--the exception that when you're
7 contacting individuals, they don't have some type
8 of knife with them for pro--for protection. And
9 it's a hard life. But everybody--to this point has
10 been compliant with the directions that I've given.
11 You know, the--the verbal persuasion or just our
12 mere physical presence has been successful for me
13 until this point.

14 SGT CAGNEY: And that segues into the next--

15 OFFICER MELLONE: I mean, for--

16 SGT CAGNEY: Question.

17 OFFICER MELLONE: I mean, there's--there--
18 there--there have been other times that I've had to
19 resort--resort to like pepper spray or things like
20 that, but that wasn't even an option here. It was
21 not even an option. Re--would not have worked.

22 SGT CAGNEY: Was there anything--you
23 mentioned it was an A run here at the station with
24 your recruit. Um. Was there anything--and as you
25 said, you pointed out, you--you had responded to a

1 call, a similar call, the day before. And at
2 numerous times. Is there anything about this call,
3 you--you know, sometimes you can pick up the tenor
4 of the Dispatcher or--or the--the character of the
5 call at the--so is it anymore than what you said.
6 I don't want to use the word "routine" but just
7 another knife call in the Mission? Prior to your
8 arrival, uh, when you got there.

9 OFFICER MELLONE: I mean, we get a lot of
10 calls where, um, you know, there's mention of a
11 knife or maybe a knife wasn't seen or somebody
12 threatens somebody with a knife. The thing that
13 stands out the most about this one is that, um, it
14 was being called in by somebody from Homeless
15 Outreach. You know, and they are--they're coming
16 into contact with individuals on a regular basis
17 that are in crisis. And so the called I knew was
18 somebody that already had training and skill in
19 dealing with these situations. I mean, it wasn't
20 just--uh--an average person calling it in. It was
21 somebody from the actual HOT team calling it in,
22 saying this person's waving and it was a large
23 knife. It wasn't a pocket knife. It wasn't a
24 butter knife. It was--the largest knife you can
25 have in your kitchen. That's the way that the call

1 read. And we kept getting updates on it. You--
2 sometimes you can kind of--filter out with these
3 calls, like, oh, you might get one call on it.
4 Maybe there's limited info. This call we got like
5 very specific details about the size of the knife,
6 the description, and what he was doing,
7 specifically that he was waving it around.

8 SGT CAGNEY: You--uh, Sergeant Watts and I
9 investigated, you know, several Officer-Involved
10 Shootings over the years. Uh, and the Extended
11 Range Impact Weapons have been a component of
12 several of those shootings, uh, as of late. Um, I
13 find it curious in this case, uh, you're the first
14 time, I think, we've spoken to an officer that was
15 equipped with an--Extended Range Impact Weapon, was
16 deploying that weapon and then transition in the
17 middle of a--of a critical incident to a firearm.
18 Kind of walk us through that process as to--to why
19 you felt the circumstances, and I don't want to put
20 words in your mouth, felt that this escalated to
21 the extent where usually someone who's dedicated to
22 the Extended Range will continue with that weapon
23 and then other people will deploy firearms, if
24 that's necessary. But in your case, it sounds like
25 the situation got out of hand so quickly that you

1 felt the need to go to a firearm while you're still
2 in fact holding the Extended--Extended Range Impact
3 Weapon. That's the first time I've heard that so
4 kind of walk us through the process of why you felt
5 that you needed to take that action, based on the
6 circumstances.

7 OFFICER MELLONE: We were the only--as far
8 as I knew, we were the only two guys there. We
9 were the only two officers there.

10 SGT CAGNEY: Right.

11 OFFICER MELLONE: I think there was a third
12 one just arriving.

13 SGT CAGNEY: Okay.

14 OFFICER MELLONE: But I didn't see--uh, uh,
15 it was--it--as far as the initial contact, it was
16 just me and the Sergeant.

17 SGT CAGNEY: Right.

18 OFFICER MELLONE: So, uh, I wasn't about to
19 watch, I--I just--I--I wasn't about to see him get
20 stabbed and I just felt like I had to defend him,
21 you know. I--I just--I saw--he honed in on him, to
22 Sergeant Steger, and was running at him, and I felt
23 like I had a very limited opportunity. I was in a
24 positioning where I could do something but my field
25 was limited. So it--it--the thought didn't even

1 occur to me. Uh, it was--it just felt like
2 automatic, like a train thing. Uh, we've practiced
3 transition drills when I went to rifle--the rifle
4 class. You know, transitioning from the rifle to
5 handguns.

6 SGT CAGNEY: Good.

7 OFFICER MELLONE: So I don't know if that's
8 what took over for me because we did a lot of that
9 practice when I went to the rifle school recently
10 here at the airport. So--that's--those are the
11 thoughts that--that occurred to my mind, but I
12 just--I knew that--that he's running past me to my
13 right and he's--he's--he's about to stab him. And
14 I knew that if he stabbed Sergeant Steger with a
15 knife that size, he was either gonna kill him or
16 seriously hurt him with it. So. That's--that was
17 my thought process.

18 SGT CAGNEY: And not to add to that because
19 if that's the complete aspect of your thought
20 process, did--did it occur to you, in terms of why
21 you transitioned to the firearm, that maybe
22 Sergeant Steger wasn't gonna be able to get rounds
23 on this person to stop him before he assaulted him,
24 Sergeant Steger? I mean, did it look like that you
25 might have been the last line of defense for him?

1 OFFICER MELLONE: Well, I didn't know at
2 that point if Sergeant Steger even had his firearm
3 out.

4 SGT CAGNEY: And that's what I'm gettin' at.
5 I mean, did you--

6 OFFICER MELLONE: Yeah.

7 SGT CAGNEY: Feel that you were defending
8 him because you weren't sure what Sergeant Steger
9 could do to defend himself.

10 OFFICER MELLONE: Absolutely. I mean,
11 there's a lot of things that just kind of kicked in
12 for me. But, I mean, I feel like that that's--
13 that's part of the bigger picture of what was
14 happening and it's--it's exactly what--what you
15 describe.

16 SGT CAGNEY: And then, uh, uh, something
17 Sergeant Watts, uh, said and again this is kind of
18 a new process for us. I think everybody in the
19 room with--with the current environment, the new
20 training protocols that are coming out and that's
21 not our focus, obviously. Uh, but I think it does
22 impact the decision-making of someone in a position
23 like you, uh, yesterday. Um. Did this situation
24 evolve so quickly that, other than the actions you
25 took, there wasn't really much more to do. I mean,

1 there wasn't an opportunity to talk to this person
2 or--or to try to--try any other tactics that--that
3 you didn't already employ, considering how fast-
4 moving this situation was.

5 OFFICER MELLONE: I mean--absolutely. I
6 was--I was--I'm trained in crisis intervention.
7 I've been through the week-long crisis interven--
8 CIT training. Um. I have successfully used CI--
9 CIT techniques several times in dealing with people
10 in crisis or the mentally disturbed. I--um--you
11 know, just--I helped the homeless man last year
12 that was overdosing on drugs and--and saved his
13 life. So, I mean, I'm--I'm used to doing these
14 kind of interventions. And it usually--it not
15 always--sometimes there's--you have to, uh, you
16 know, handcuff people or do a take-down or pepper
17 spray or something like that. But I would say,
18 overwhelming amount of time, it's successful. So I
19 didn't even have an opportunity in this case to
20 even attempt to de-escalate the situation 'cause my
21 immediate concern was like, I need to get him away
22 from this knife now. And he sets the knife down
23 and it appears that he's going along with the
24 program. And I'm like, this is great. I'm gonna
25 prone him out. It'll be textbook. And as soon as

1 he picks up that knife, I'm like, is he about to
2 do--hurt himself? His--his behavior was so
3 erratic, it--it just looked like he was on
4 something. I have a lot of experience dealing with
5 people--you know, that are on--on drugs. Um, I--I
6 don't know for sure if he's on drugs, obviously,
7 but his behavior was consistent with that. I'm a--
8 I'm a DRE. I'm a Drug Recognition Expert. I make
9 a significant amount of--uh, investigations
10 involving people under the influence. Um. I've
11 been recognized for that. Uh, but I'm a court
12 expert in that. So I'm used to the [symptomology]
13 of people that are under the influence of drugs and
14 his behavior--although I don't know for sure, it
15 was very suggestive of that. And so I just wanted
16 to get him away from that knife and when he picked
17 that up the thought was, is he gonna hurt himself?
18 His behavior's erratic. What's he gonna do next?
19 And I just wanted to use the ERIW to subdue the arm
20 that he was holding the knife in because I saw he
21 was holding his right arm and my--my focus with the
22 ERIW, I--I don't know if my rounds--where they went
23 exactly but I know that my aim point was here
24 'cause it was the largest mass area on his--on the
25 arm that he was holding the knife with. Um, with

1 this upper arm area. And it was just completely
2 ineffective. Completely ineffective. And I didn't
3 even have a second to deliver additional commands.
4 He was already on his feet and running at the
5 Sergeant. At Sergeant Steger.

6 SGT CAGNEY: Were you aware, uh, concerning
7 your actions, were you aware that Sergeant Steger
8 had even, uh, employed his firearm?

9 OFFICER MELLONE: No.

10 SGT CAGNEY: You did not know.

11 OFFICER MELLONE: No.

12 SGT CAGNEY: Okay. You didn't hear his
13 shots or you didn't--you weren't aware of what
14 specifically he was doing when you were taking the
15 actions?

16 OFFICER MELLONE: I mean, I--I--I knew that
17 shots were being fired. I experienced some of the
18 audio occlusion that we are--we're always trained
19 to kind of experience. Um. My belief was, is that
20 he was also firing but up until that point I
21 couldn't--I didn't know if he had his firearm out
22 or not. Or I don't recall if he had his firearm
23 out or not. I just was so focused on--he's going
24 along with the program. Now he's not. The--you
25 know. That's a big knife.

1 SGT CAGNEY: Sure. Uh, two more questions
2 and, uh, one of them's a little bit more
3 complicated. Is--is the spatial and time issues.
4 So--what would you estimate your position was in
5 relation to the individual that was shot? He was
6 sitting on the sidewalk. When this jumped up--when
7 he jumped to his feet. How much distance, and I
8 know distance can be tough to estimate, but you're
9 an experienced officer so what would you say in
10 feet?

11 OFFICER MELLONE: So I'm horrible at
12 distance but I--I try to equate everything in car
13 lengths so--

14 SGT CAGNEY: That's--that's good.

15 OFFICER MELLONE: I--I think that--

16 SGT CAGNEY: Good way to go.

17 OFFICER MELLONE: When we initially--had the
18 verbal contact and there was the acknowledgement.
19 He sets the knife down. I--I want to say that we
20 were between 20 and 30 feet away. That's the best
21 I can do.

22 SGT CAGNEY: Between the--the individual on
23 the sidewalk--

24 OFFICER MELLONE: Yeah.

25 SGT CAGNEY: And yourself. And were you

1 aware of the Sergeant Steger's spatial relationship
2 with--with the--

3 OFFICER MELLONE: He--I know that--that he
4 was standing to my right and he was either parallel
5 with me--he wasn't--I don't think--I don't know if
6 he was four--he was--yeah, I--I felt like we were
7 just perfectly triangulated. It was just like a
8 textbook Academy positioning. So, uh--

9 SGT CAGNEY: Car length-wise, if you--if you
10 know. If you don't, you're not really--you--don't
11 guess where he was.

12 OFFICER MELLONE: I--I want to say--

13 SGT CAGNEY: If you know.

14 OFFICER MELLONE: It was like a car length
15 and a half.

16 SGT CAGNEY: So similar to where you were
17 at.

18 OFFICER MELLONE: Yeah. It--we--when we
19 first--'cause when I pulled up my patrol--when I
20 got out of the car, I didn't see him 'cause there
21 was cars parked and I'm not in an SUV. I'm in one
22 of the regular sedans. So I couldn't see where he
23 was at and I saw the guy pointing at him and I'm
24 like, where is he? Is he between a car? You know,
25 and then it wasn't until I got onto the sidewalk

1 that I saw exactly where he was and what he was
2 doing. So I tried to create some distance between
3 us while we were delivering the commands. I
4 didn't--obviously don't want to get too close to a
5 guy with a huge knife.

6 SGT CAGNEY: Makes sense.

7 OFFICER MELLONE: Um. And then when he
8 started to go along with the program, I may have
9 gotten a little bit closer, just to make a--an
10 assessment of whether he had additional weapons or
11 something to that effect. But I was also concerned
12 because there were homeless people behind me and
13 19th Street, you know, has people walking back and
14 forth. So I'm trying to make this assessment of
15 what's going on and then he picks up the knife and
16 just starts--you know, running and he--I want to
17 say that he closed the distance between us by about
18 half.

19 SGT CAGNEY: So you're talking 10--10 feet,
20 give or take?

21 OFFICER MELLONE: Thereabouts, yeah. I
22 mean, I'm not--

23 SGT CAGNEY: No. I understand.

24 OFFICER MELLONE: I'm not--I can't--I can't
25 for sure say but he--he--he--he--definitely come up

1 and got within--10, 12 feet of, you know, before
2 the--the threat--we stopped the threat.

3 SGT CAGNEY: So my second part of that two-
4 part question is the time issue. So from the time
5 that you arrived and issued your verbal commands
6 were--apparently it was some response [to] him if
7 I'm--I'm hearing you correctly, that he put down a
8 knife in response to one of your commands, to the
9 time he gets to the feet, to the time that lethal
10 force is employed, how--again, times and we
11 understand that. We've timed it so we know exactly
12 how much it is so I'd be curious to see what--what
13 time issues you felt that were underway here. I
14 mean, how long you think it took from essentially
15 your commands to the shots?

16 OFFICER MELLONE: 10 seconds.

17 SGT CAGNEY: 10 seconds in totality.

18 OFFICER MELLONE: Probably faster. I mean--
19 it--and--I--uh, the best--the best guess I--I could
20 make, you know, thinking back, is that they'll--
21 from the moment that I--not from the moment when I
22 got to the scene, but when I get out on the
23 sidewalk and I see his has this knife to when I
24 deliver--I deliver my first command, I want to say
25 it was about 10 seconds.

1 SGT CAGNEY: Oh. Sergeant, why don't--what-
2 -what did we time it out to?

3 SGT WATTS: 20, 22 seconds.

4 SGT CAGNEY: 22 seconds.

5 OFFICER MELLONE: Okay.

6 SGT CAGNEY: So I mean, you're in the
7 ballpark. Um. When you fired the less lethal, did
8 he remain--was he in a seated position throughout
9 that entire course of fire?

10 OFFICER MELLONE: He was like gesturing and
11 posturing. Um, it's--it's really hard for me to
12 describe because he was acting so erratic. Um.
13 He--he was--he was seated when I delivered the
14 first, uh, yeah, I want to say he was seated for
15 the totality of when I was delivering the ERIW bean
16 bag rounds.

17 SGT CAGNEY: And, um, this is--I promise,
18 the last question. Kind of walk--walk us through
19 the physicality of how he got to the--his feet. I
20 mean, did he use a hand to push himself up? Did he
21 just--sometimes, you know, people pop up like a--
22 you know, a--a jack-o-lantern. You're like, how
23 did that guy get to his feet so fast? Kind of walk
24 us through the process of how he gained his feet as
25 quickly as he did if, uh, I understand your

1 description.

2 OFFICER MELLONE: He never--from the moment
3 that he re-acquired the knife--

4 SGT CAGNEY: Right.

5 OFFICER MELLONE: It did not leave this
6 hand. Even to the moment when he--when--when after
7 we had fired and he went down, so I--I don't--I
8 can't tell you with any specificity how he got to
9 his feet. Um, I just know he got to his feet and
10 he--he was running at us.

11 SGT CAGNEY: Well, what--

12 OFFICER MELLONE: And I don't know if he
13 propped himself up or he just maneuvered himself up
14 in that way. I mean, he looked to me like he was
15 really high on drugs. And that he just had energy.

16 SGT CAGNEY: So--is it fair to say he
17 abruptly got to his feet? I mean, it was--you
18 know, one minute he's sitting and the next minute
19 he's--

20 OFFICER MELLONE: It was extremely abrupt.

21 SGT CAGNEY: It was fast.

22 OFFICER MELLONE: It was very fast.

23 SGT CAGNEY: It was fast. So I mean some
24 people get to their feet a little slower than
25 others, is what I'm gettin' at.

1 OFFICER MELLONE: It wasn't a slow--it was
2 not slow.

3 SGT CAGNEY: Did he transition immediately
4 from standing up to running at you and the
5 Sergeant?

6 OFFICER MELLONE: It seemed like it was
7 instantaneous.

8 SGT CAGNEY: Right.

9 OFFICER MELLONE: Uh, there was no delay.
10 It wasn't like--he didn't stand up and--and just
11 stand there, from what I--from--what I remember, he
12 was--just like he immediately stood to his feet and
13 started charging at us. We had no time to kind of--
14 -really delivery any other--there no other force
15 option that was appropriate in that circumstance.

16 SGT CAGNEY: And you were out of ammunition
17 with the Extended Range Impact--

18 OFFICER MELLONE: Yes.

19 SGT CAGNEY: Weapon, is that correct?

20 OFFICER MELLONE: I--I--

21 SGT CAGNEY: You were aware of that fact.

22 OFFICER MELLONE: Yeah. There's only 4
23 rounds. I had done the check-out process, uh,
24 there were only 4 rounds in the magazine, too.
25 And--and I had fired all of 'em. So I was

1 completely out. I--I couldn't get--there was no
2 way I could get close enough to deliver a baton
3 strike without getting sliced myself. I'm just--
4 it's just not possible. There's no way I could get
5 close enough to OC him.

6 SGT CAGNEY: Was--

7 OFFICER MELLONE: Without being totally
8 irresponsible.

9 SGT CAGNEY: Just speculation. It's just--
10 you know, it's--it's a hypothetical but it--it
11 sounds to me, if I--I understand your statement
12 earlier that even if you'd had an extra round on
13 the Extended Range Impact Weapon, it--it wasn't
14 working and deploying it would have been
15 ineffectual?

16 OFFICER MELLONE: I was frustrated with how
17 ineffective it was 'cause I had--I've used it at
18 the range. I've never used it in a street incident
19 before. And I was--I was shocked at how
20 ineffective it is. In this instance. I don't know
21 if it's because this particular individual wasn't
22 feeling any pain. Maybe for some drug influence
23 reasons. Or other factors. But he just--it just
24 looked like he just kind of flinched from it and
25 it--that was it. Like I was--I was--I was hopeful

1 it was just gonna take him out of the game with
2 this arm. You know.

3 SGT CAGNEY: [UNINTELLIGIBLE]

4 OFFICER MELLONE: That it was gonna stun him
5 and it was gonna-it was gonna subdue because I've
6 used it at the Academy. And--you know, I--we--we
7 get the training in it but it was completely
8 ineffective. There wasn't anything effective about
9 it.

10 SGT CAGNEY: And--and--I mean, the last
11 question. You alluded to this earlier, that you
12 knew that there was not a lot of resources on the
13 ground at that--at that moment where this guy got
14 to his feet, that it was just you and the Sergeant.
15 And maybe a third officer and you weren't even sure
16 where he was or how he was deployed.

17 OFFICER MELLONE: On that--

18 SGT CAGNEY: Right?

19 OFFICER MELLONE: Particular day, we had--
20 three officers assigned on Daywatch in the Mission.
21 Or three patrol units. And it was--we normally
22 have a minimum of 6 two-man cars. Or two officer
23 cars. We were extremely short-handed. The
24 Sergeant was my back-up unit. So that tells you
25 something.

1 SGT CAGNEY: Sure.

2 OFFICER MELLONE: And my recruit is at the
3 station. It was just me and him. Uh, so I--I
4 wasn't--I wasn't even aware that another officer
5 arrived until I--after the--uh, after the incident
6 and I looked and I saw that there was another
7 officer there.

8 SGT CAGNEY: Did Sergeant Steger say
9 anything to you after the fact? Or anything during
10 this process? Did you have--did he say anything to
11 you while you were, you know, both engaging this
12 guy? Was there any conversation between the two of
13 you as it was unfolding?

14 OFFICER MELLONE: No, we just immediately
15 started, uh, I know I for sure--I'm pretty sure he
16 was giving commands, too. We just immediately
17 started giving him commands to put it down. Put
18 the knife down.

19 SGT CAGNEY: Gotcha. Okay.

20 DAI JACKSON: All right, Mike. I'm going to
21 take you back a little bit. Uh. And just because
22 I'm old and you know how I normally work. All
23 right? Uh, you were--you already said you were in
24 patrol that day. What was your uniform of the day?

25 OFFICER MELLONE: I was wearing a standard,

1 uh, police wool uniform with the star on it and--
2 standard police duty belt. Uh, there was--there
3 was, uh, it was unmistakable that I was dressed as
4 a police officer.

5 DAI JACKSON: Oh. But you know what I'm
6 doin'. Um. The route from the station to the
7 actual scene that you took.

8 OFFICER MELLONE: So Mission Station is
9 right at 17th and Valencia.

10 DAI JACKSON: Okay.

11 OFFICER MELLONE: I was already going to the
12 other call. So I was driving eastbound on 17th.
13 And the call came out at 17th and Shotwell, which
14 is--two, three blocks up.

15 DAI JACKSON: Okay.

16 OFFICER MELLONE: So I went eastbound on
17 17th. Uh, and started checking as I--I pulled up
18 at 17th and Shotwell and started kind of
19 circulating the area. I think I went down to--I
20 checked the block from 17th to 16th. And then
21 Dispatch updated that he was now closer to 19th.
22 So I made a U-turn at 16th and went--uh, southbound
23 on Shotwell. And then I saw--I heard Sergeant
24 Steger say he was being directed by the 9--by the
25 caller that he was closer to 19th and I saw

1 Sergeant Steger pulling behind me. And we both
2 pulled up to the scene together.

3 DAI JACKSON: Okay. And you just touched
4 upon my next gonna be were there any updates
5 provided--provided to you by Dispatch while you're
6 en route?

7 OFFICER MELLONE: Yeah. We--we got the
8 initial call he was waving a large knife. Then we
9 got the physical description, the clothing
10 description. Uh. And then I heard Sergeant--I
11 broadcast that--that I was--that I had checked, uh,
12 17th, 6--uh, 17th to 18th on Shotwell and it was
13 clear.

14 DAI JACKSON: Yeah.

15 OFFICER MELLONE: Um, and then Ser--right
16 after making that broadcast, Sergeant Steger said
17 that he was on scene and that he was being directed
18 as--as closer to I think 19th, I believe? And then
19 that's when we started heading in that direction.

20 DAI JACKSON: All right. Um. You say "run".
21 Clarify a little better for me. How many steps do
22 you think the guy got from the time he was on the--
23 sitting on the ground, stood up, uh, to--you that--
24 when--it was a decision made to use lethal.

25 OFFICER MELLONE: It's hard for me to say in

1 steps. Um. 'Cause there's a--there was a lot
2 going on there from me transitioning and drawing my
3 firearm but, uh--I know that I took a couple steps
4 back 'cause I saw the guy chargin' at us. Um. So
5 it's hard for me to say in steps but the best--the
6 best I could possibly do and I--I don't have the,
7 uh, photographic memory, but the best I could do is
8 say that I feel like he--he got--he closed about
9 half the distance between us. Me and--me and where
10 the Sergeant. Thereabouts.

11 DAI JACKSON: Okay. And you went into a
12 little detail about this. Uh, when did you attend
13 the CIT training?

14 OFFICER MELLONE: Uh, I went to CIT
15 training--I think it was about two years ago. And
16 then, um, I went to another training--involving,
17 uh, suicidal individuals, I think last year.
18 Dealing specifically with that. Uh, just people in
19 crisis or people that are--are suicidal.

20 DAI JACKSON: Okay, and then my--the follow-
21 up one to that is this. Would you--what do they
22 recommend when dealing with someone then that is,
23 uh, in potential crisis?

24 OFFICER MELLONE: There's a lot of steps
25 that are recommended. I mean, the first thing that

1 they'll always tell you is you never want to put--
2 you know, yourself or a member of the public in
3 risk--at risk. Uh, and at unnecessary risk when
4 deploying any of the--the de-escalation techniques.
5 In this instance, there was never an opportunity to
6 de-escalate. Um. When he re-acquired the knife.
7 There was just--there was--we never had an
8 opportunity to deploy any of those--those--those--
9 those verbal things that were, you know, that we
10 try to do. Um. And in this instance, I had a
11 group of homeless--or I had people that appeared to
12 be homeless behind me. Um, there was--there was--a
13 lot of people--behind us in the street so--in--in
14 that training, you know, in the ideal
15 circumstances, which unfortunately never happens
16 this way on the street, it seems like, you know,
17 you want to be able to have some kind of dialogue,
18 if possible. My dialogue started with separating
19 him from the knife. He complied with that. He set
20 it down. But he immediately re-acquired it. And
21 at that point, uh, it was a--it was a concern for
22 whether he was gonna hurt himself or do something
23 with that knife. I just wanted to--use--I wanted
24 to use that ERIW to--to try to--subdue that arm
25 that he was holding it in. It just didn't work.

1 And we had no opportunity to make any kind of
2 further dialogue from the moment that he jumped to
3 his feet and started charging at us.

4 DAI JACKSON: Okay. And you mentioned your
5 rifle school training. Uh, when was that now?

6 OFFICER MELLONE: Last--it was sometime last
7 year. I don't recall exactly when.

8 DAI JACKSON: Okay.

9 OFFICER MELLONE: I have previous training
10 in the rifle from my former Departments. I mean,
11 we--I've practiced transition drills over the last--
12 -I've been a cop for almost 13 years. So that's
13 always been a part of my training at firearms,
14 whether it was here or somewhere else.

15 DAI JACKSON: Okay. And, uh, my last
16 question. Not like John. This is my last
17 question. Sorry. You said you gave your initial,
18 uh, safety statement to Sergeant, uh--

19 OFFICER MELLONE: Aloise. A-L-O-I-S-E. He-
20 -his call sign that day was 3 David 170.

21 DAI JACKSON: Thank you. That's it.

22 SGT CAGNEY: Counselor?

23 ADA WILLS: Thank you. I just have a
24 couple of questions. You've been quite thorough.
25 Thank you. Um. You've been on patrol for two

1 years in the Mission. Have you ever seen this
2 individual before?

3 OFFICER MELLONE: I don't know. I can't
4 say. It's entirely possible. We--we come into
5 contact with, uh, with--with--uh, I've been to that
6 block many times, responding to homeless-related
7 incidents, complaints, drug use, knife incidents.
8 It's entirely possible. I don't know if he
9 normally stayed there. I don't even know if he's
10 homeless. I mean, that's an assumption on my part.
11 Maybe he wasn't. But it's entirely possible 'cause
12 we come into contact with people regularly.

13 ADA WILLS: Uh, I ask that because you
14 indicate--um--the--your perceptions of him and
15 whether or not you had seen him before. If that
16 was any different from before. But you just don't
17 recall.

18 OFFICER MELLONE: I just--I wish I could.
19 I--I--I--I have--uh, it's--it's--it's entirely
20 possible.

21 ADA WILLS: Um, so I can orient myself a
22 little bit better to the positioning of you,
23 Sergeant Steger, and the subject. Um, he was along
24 the building line, was that correct?

25 OFFICER MELLONE: Yes.

1 ADA WILLS: Sitting? Seated, uh, back
2 straight up against the building line?

3 OFFICER MELLONE: I don't think it was like
4 he was just straight up, like sitting up straight.
5 I think he was just kind of leaning back.

6 ADA WILLS: Um.

7 OFFICER MELLONE: Or--or you know what? He
8 might have been forward. I--I can't--I can't
9 remember. I just--as soon as I get out of the car,
10 I see--oh, my god, he's actually holding the knife.
11 [LAUGH]

12 ADA WILLS: Um, you--when you approached on
13 the sidewalk and I think you initially said you're
14 about 20 or 30 feet away from him. Um, that's
15 prior to deploying ERIW, prior--just prior to--your
16 initial verbal commands? Um. Where are you
17 situated on the sidewalk? Are you along the
18 building line? Are you mid-sidewalk? Are you
19 closer to the street?

20 OFFICER MELLONE: I think I was mid-
21 sidewalk. I know I wasn't [mirrored] up with the
22 building line.

23 ADA WILLS: And from that position, did
24 you, um, did you ever shift your position as it
25 orients on the sidewalk? Closer to the street,

1 closer to the building line?

2 OFFICER MELLONE: I don't remember. It was
3 a pretty wide sidewalk. I--I--I--I may have moved
4 a little bit closer to the building line. Um, I
5 know that when he started charging at us, I kind
6 of--I feel like I took a step maybe towards the
7 building line. And then, you know, he was--he was
8 running towards--towards my right. So I think that
9 I prob--I think I probably--I think I likely kind
10 of moved back towards the building line when he was
11 running past us toward--with the knife.

12 ADA WILLS: Uh, Sergeant Steger is to your
13 right so he's closer to the street side, is that--

14 OFFICER MELLONE: Yes.

15 ADA WILLS: Is that accurate?

16 OFFICER MELLONE: Yes.

17 ADA WILLS: Um, and when you initially
18 approached the subject, how far away was Sergeant
19 Steger from you?

20 OFFICER MELLONE: Uh, I think he was about 5
21 to 6 feet away from me.

22 ADA WILLS: Um.

23 OFFICER MELLONE: If not less.

24 ADA WILLS: And that--that would make him
25 still around 20 or 30 feet from the subject, at--at

1 the initial approach.

2 OFFICER MELLONE: Yes.

3 ADA WILLS: And as far as you were aware,
4 you didn't have--it--it was only you and Sergeant
5 Steger there.

6 OFFICER MELLONE: As far as I knew, yeah. I
7 mean, I could hear--like I had a radio ear piece.
8 I could hear other officers were--responding to the
9 scene but they--we were the first people there.
10 Actually--to--to arrive.

11 ADA WILLS: Um, so again I'll--uh, exhibit
12 my--you know, inexperience in this matter. When
13 you transition from the ERIW to your service
14 weapon, um, can you--can you walk me through how
15 you do that?

16 OFFICER MELLONE: The ideal textbook way is--
17 -it--it actually has a sling on it. It's got a
18 like a--a cord, um, where you can--put your
19 shoulder through it and--put it across your back.
20 There was not enough time in this instance for me
21 to sling it. So I think I just--I--I don't think.
22 I know that I just--

23 SGT CAGNEY: One-handed.

24 OFFICER MELLONE: One-handed, put it in my
25 left hand. And then I'm--I'm right-handed. So I

1 drew my pistol--I carry my pistol on the right side
2 and I drew with my right hand. I was just holding
3 it like this. The--the bean bag, like this. So I--
4 -when I--when I--when I shot, it was--it was one-
5 handed shooting. I didn't have a two-handed grip
6 'cause I would have had the drop the--ERIW.

7 ADA WILLS: Right. So then that was my
8 follow-up question. When you're shooting your
9 service weapon, you're shooting with your right
10 hand, single-handed, ERIW in your left hand.

11 OFFICER MELLONE: Exactly correct.

12 ADA WILLS: And it's your recollection you
13 shot four times?

14 OFFICER MELLONE: Yes.

15 ADA WILLS: Do you recall, um, and you
16 indicated that you, in your sensory perception, you
17 could that Sergeant Steger was also firing. Do you
18 have any idea how many times he fired?

19 OFFICER MELLONE: I have no idea. Not any
20 more than me. There wasn't a sustained gunfire.
21 It was just--real quick. And then it was over.
22 Like--as soon as we saw the threat was over, it
23 stopped.

24 ADA WILLS: When, uh, when the subject went
25 down, did he fall--forward to his face or backwards

1 on his back?

2 OFFICER MELLONE: I will never forget this.
3 He fell exactly backwards on his back and he was
4 still clutching--holding onto that knife. Almost
5 like with a death grip, holding onto that knife in
6 his right hand. I will never forget it.

7 ADA WILLS: Can you tell me what happened
8 after he was on the ground on his back, knife still
9 extended? How did the knife leave his possession?

10 OFFICER MELLONE: I have no idea. I can
11 only assume that--that when they came to do CPR on
12 him, that somebody took it out of his hand. I did
13 not take it out of his hand. But I know 100
14 percent certain he was still holding it on the
15 ground for--you know, several seconds after. The
16 fire station is right there. So they literally--
17 they didn't even respond with their fire truck.
18 They just walked up to the scene. They were steps
19 away. It was almost like they were--they were
20 perfectly situated to provide him with a--you know,
21 resuscitation. So they just walked up to the scene
22 and at some point--it was very chaotic. At some
23 point the knife--I--I saw the knife was a few feet
24 away from where he was originally.

25 ADA WILLS: Um, you indicated that there

1 were individuals in that homeless encampment behind
2 you. Um. From your location on the sidewalk. Do
3 you recall whether or not there was any other, um,
4 civilian presence on the street?

5 OFFICER MELLONE: Yeah. I think that there
6 was people walking on the, uh, uh, there's always
7 people. I mean, it's day time. You know, the--uh,
8 I don't remember seeing anybody because I don't
9 think I would have fired and I knew what my
10 backdrop was. Um. But I knew--there's always
11 people walking back and forth on 19th. The only
12 people that I knew for sure were there were me,
13 Sergeant Steger, and the people behind us in the
14 homeless encampment. I didn't see anybody--that I
15 would have jeopardized with my--field of fire if
16 that answers your question.

17 ADA WILLS: Um, when you're deploying the
18 ERIW, um, you indicated that you were focusing your
19 efforts on the upper left quadrant--upper right
20 quadrant of his shoulder. Upper arm area, is that
21 right?

22 OFFICER MELLONE: So--I had his complete
23 right side profile facing me. If--if I'm him, I'm
24 seated like this against the wall. And I'm
25 approaching from this direction so he was holding

1 the knife in his right hand so I'm like, this is a
2 perfect opportunity to subdue this arm. So when I
3 aimed the ERIW, this was a smaller target area so I
4 aimed for the upper area. 'Cause I knew that this
5 was a--uh, you know, bicep muscle group and I just
6 wanted to disable his arm. And--and--take that
7 knife out of the equation at that point. I just
8 wanted to do it quick. I felt like it was the
9 perfect opportunity. I--the last thing I wanted
10 him to do was stand up and become--you know, with
11 the call that we originally had is that he was
12 waving it around. I didn't want to have that
13 situation happen again 'cause there's--people, you
14 know, people driving by. There's pedestrians.
15 Like, that's the last thing I wanted to have happen
16 so I'm like, this is a perfect opportunity, quickly
17 to disable this arm. And so I fired up here with
18 the ERIW.

19 ADA WILLS: And again, to assist me in
20 orienting myself--orienting where you were, when
21 you were standing--when you were seated like that,
22 sort of facing me, were you at more of an angle
23 where Sergeant Watts was? Or were you at more of
24 an angle where Sergeant Cagney was? Where, uh--um-
25 -

1 OFFICER MELLONE: Probably more towards--
2 ADA WILLS: [UNINTELLIGIBLE]
3 OFFICER MELLONE: Sergeant--
4 SGT CAGNEY: DJ--
5 ADA WILLS: It's DJ.
6 OFFICER MELLONE: Probably more in the
7 middle of both--of--of the three.
8 ADA WILLS: So closer to maybe the angle
9 that you were facing where, uh--
10 OFFICER MELLONE: Yeah.
11 ADA WILLS: Sergeant Cagney--
12 OFFICER MELLONE: I mean, I had--I had an
13 exceptional opportunity with the ERIW from where I
14 was standing. It just--it was--it just did not
15 work. At all. Not once. Twice. Three times.
16 All four times, it didn't work.
17 ADA WILLS: Okay. I don't have any other
18 questions, thanks.
19 SGT CAGNEY: Okay. Sergeant?
20 SGT WATTS: That's it. No. No.
21 [UNINTELLIGIBLE]
22 **END OF DOCUMENT**